

REMARKS

Claims 1 and 23-44 are pending in this application.

Applicants respectfully note the acknowledgment of the claim for priority under 35 U.S.C. § 119 and the receipt of the certified copies of the priority documents in the parent Application No. 09/676,914.

The Examiner has reminded the Applicants of the proper guidelines for the Abstract of the Disclosure. Applicants have reviewed the Abstract of the Disclosure and revised the last sentence thereof so that the Abstract now clearly complies with relevant Patent Office guidelines.

The Examiner has apparently objected to the reference to claim 1 at lines 8 and 9 of page 6 of the specification. While the basis of the Examiner's concern is not apparent to the undersigned, for the Examiner's convenience and in order to reduce the issues outstanding, this sentence has been deleted from the specification.

The Examiner also has requested a new title of the invention. Applicants have adopted the Examiner's suggested title.

The Examiner has objected to claim 1 due to the use of the word "its." Although the Examiner has not expressed the basis for the Examiner's concern, claim 1 has been amended to remove the language considered objectionable by the Examiner.

It should be noted that upon filing of the present application, Applicants requested that the Examiner contact them so as to allow the conducting of a personal interview to explain the invention of the present application to the Examiner. This

request for a personal interview was apparently inadvertently overlooked by the Examiner. However, Applicants were unable to explain the invention of the present application to the Examiner and, thus, request that prior to any final Office Action, the Examiner contact the undersigned to conduct a personal interview to ensure that the most efficient examination can be undertaken. Accordingly, the undersigned looks forward to contact from the Examiner concerning such a personal interview.

There are two (2) substantive rejections in the outstanding Office Action. The first rejection is the rejection of claim 1, alleging that claim 1 is unpatentable over claim 1 of U. S. Patent 6,663,008 based on the ground of non-statutory obviousness-type double patenting. Although not stated by the Examiner, it would appear apparent to the Examiner that the present application and the '008 patent are both assigned to the same Assignee. Additionally, the '008 patent issued from the parent application of the subject application. Consequently, attached hereto please find a Terminal Disclaimer disclaiming any term of the present application which extends beyond that of the '008 patent. The double patenting rejection has thereby been clearly overcome.

The Examiner further rejects claim 1 under 35 U.S.C. § 102(b) alleging that the present application is anticipated by the teaching of the Winterburn reference (U. S. Patent 4,835,544). This rejection is respectfully traversed for the following reasons.

The present response amends claim 1 to avoid claiming subject matter broader than that intended by Applicants. Claim 1 now recites a product having a surface provided with a position coding pattern coding positions on the surface. The Winterburn

reference discloses a numerical code, as illustrated in Figures 2 and 3 or as shown as the code in Figures 3 and 4. While this code may have some remote similarities to the codes of the present application, the Winterburn reference does not teach or suggest a position code coding positions on the surface of a product. Consequently, Winterburn cannot teach or suggest, for at least this reason, the limitations of independent claim 1, its dependent claims, and newly presented independent claims 34 and 39. For this reason, reconsideration and withdrawal of the rejection based on Winterburn is respectfully requested.

New claims 23-44 have been added by this response. These claims claim the features of the originally-recited invention with further detail. However, the newly presented claims are directed to the same general invention as independent claim 1 and are allowable for the same general reasons as those expressed above.

For all of the above stated reasons, reconsideration and withdrawal of all outstanding objections and rejections and allowance of all of the claims is respectfully requested.

Applicants look forward to contact from the Examiner concerning arranging an interview in the above-identified application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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Attachment: Terminal Disclaimer